

Re. Point V

INPCT/PTO 27 MAR 2006

Reasoned statement with regard to novelty, inventive step and industrial applicability; citations and explanations supporting such statements

1. Reference is made to the following documents:

D1: US 2003/137595 A1

D2: DE 199 58 229 A

D3: JP 7 104163 A

D4: JP 2002 134725 A

2 The present application does not fulfill the requirements of Article 33(1) PCT because the object of claims 1 and 10 is not novel in the sense of Article 33(2) PCT.

3. Document D1 discloses (see Fig. 1 and corresponding description) an optical module with a semiconductor element 4 (a circuit carrier is seen as being implicitly disclosed, see description of Fig. 3) arranged in a housing package 3, a lens unit 10, as well as a spacer element 19, which is arranged between the lens unit and the semiconductor element.

3.1 In a similar manner the object of claim 1 is anticipated by each of the documents D2 (Fig. 9b), D3 (Fig. 2) and D4 (Fig. 1).

3.2 The above objections apply correspondingly to the optical system defined in claim 10.

4. The dependent claims 2-9 do not contain any features, which in combination with the features of any claim to which they relate, fulfill the requirements of the PCT in relation to novelty or inventive step.

Claim 2: Spacer elements embodied as circular washers are

known from D1 and D3.

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Claims 3, 4, 9: The specified features represent obvious and generally known design options for the person skilled in the art.

Claims 5-7: Sets of spacer elements of different thicknesses are known from D1 (Par. 31). It is also pointed out that it is formally unclear which features of the optical module are to be defined by the fact that a component, namely the spacer element, "comes from a specific set of elements", which does not belong to the claimed object.

Claim 8: Distance pieces, which simultaneously function as a diaphragm, are known from D2 (diaphragm 13 in Fig. 9b). It is also unclear which structural features of the distance piece or of the optical module are to be defined by the distance piece functioning as a diaphragm.